



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill #	HB0491	Title:	Child witness protection in criminal cases
Primary Sponsor:	Sinrud, John	Status:	As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	Unknown	Unknown	Unknown	Unknown
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	Unknown	Unknown	Unknown	Unknown

FISCAL ANALYSIS

Assumptions:

1. This bill permits testimony of a child witness by two-way electronic audio-video communication in criminal cases involving sexual or violent offenses. It also repeals 46-16-216, MCA, which allows for videotaped testimony in certain cases.
2. This bill requires District Courts to conduct a hearing upon a motion by the prosecution to consider whether the testimony of a child witness may be taken outside the presence of the defendant and communicated to the courtroom by two-way audio-video. The Judicial Branch is unable to estimate the impact of this legislation on judicial workload or the fiscal impact.

Technical Notes:

1. New Section 3 (1) includes language that requires a hearing upon a motion by the prosecution to consider whether the testimony of a child witness may be taken outside the presence of the defendant and communicated to the courtroom by two-way video within 7 days of the filing of the motion. This section may conflict with other statutory provisions that provide a scheduling preference for civil cases including child abuse and neglect and youth court cases.

Sponsor's Initials

Date

Budget Director's Initials

Date